

DR. AMBEDKAR: THE PRINCIPAL ARCHITECT OF THE CONSTITUTION OF INDIA

Clause wise Discussion on the Draft Constitution

30th July 1949 to 16th September 1949

SECTION SIX

Clausewise Discussion

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UNION LIST

ENTRY I

Mr. President: You (Dr. P. S. Deshmukh) had not given notice of this amendment originally, not even in the first instance.

The Honorable Dr. B. R. Ambedkar: This is not an amendment to an amendment

Mr. President: This is altogether a new amendment.

Dr. P. S. Deshmukh: I am moving this amendment on the same principle as that on which Dr. Ambedkar has been moving his amendments so far as the articles are concerned.

Mr. President: There was previously no notice of an amendment to entry 1. This is the first time we have an amendment to this entry.

Dr. P. S. Deshmukh : It is a fact. Sir. If Dr. Ambedkar feels that a rewording

of this Entry is necessary, he might perhaps accept it; otherwise I am prepared to withdraw it.

The Honorable Dr. B. R. Ambedkar: This is merely a paraphrase of Entry 1. You have ruled that we should not spend more than five minutes on an Entry and it is already more than five minutes.

Mr. President: As Dr. Ambedkar has pointed out, this being merely a paraphrase of the Entry, we might leave it to him to consider. I do not think we should have much discussion on these matters, especially when they do not happen to be new ideas.

[Entry 1 was added to the Union List.]

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ENTRY 2

The Honorable Dr. B. R. Ambedkar: Sir, I move :

" That for entry 2 of List I, the following entry be substituted.

' 2. Central Bureau of Intelligence and Investigation.' "

The only words added are " and Investigation ". Otherwise the entry is the same as it exists in the draft.

Shri Mahavir Tyagi : What is the significance of this addition ? Will you please throw light as to why you have added these words ?

The Honorable Dr. B. R. Ambedkar: The idea is this that at the Union office there should be a sort of Bureau which will collect all information with regard to any kind of crime that is being committed by people throughout the territory of India and also make an investigation as to whether the information that has been supplied to them is correct or not and thereby be able to inform the Provincial Governments as to what is going on in the different parts of India so that they might themselves be in a position to exercise their Police powers in a much better manner than they might be able to do otherwise and in the absence of such information.

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Mr. President: Dr. Ambedkar.

The Honorable Dr. B. R. Ambedkar: Sir, I am not in a position to accept any of the amendments moved by my Friend Mr. Naziruddin Ahmad. These amendments seem to be the result of a muddled head.....

Mr. President: Dr. Ambedkar need not use strong language.

The Honorable Dr. B. R. Ambedkar: Amendment No. 146 seeks to remove the words ' and investigation '. The ground for removing the word ' investigation ', as suggested by my Friend Mr. Naziruddin Ahmad, is that there would be conflict between the jurisdiction of the Center and the

Provinces. If that is how he understands the entry as I have moved it, I do not quite understand how he can consent to allow the word ' investigation ' to remain in the two subsequent amendments which he has moved, numbers 147 and 148.

Mr. President: 147 only.

The Honorable Dr. B. R. Ambedkar: He has got another.

Mr. President: Amendment No. 148 has not been moved.

The Honorable Dr. B. R. Ambedkar: The point of the matter is, the word " investigation " here does not permit and will not permit the making of an investigation into a crime because that matter under the Criminal Procedure Code is left exclusively to a police officer. Police is exclusively a State subject; it has no place in the Union List. The word " investigation " therefore is intended to cover general enquiry for the purpose of finding out what is going on. This investigation is not investigation preparatory to the filing of a charge against an offender, which only a police officer under the Criminal Procedure Code can do.

[Entry 2, as amended by Dr. Ambedkar's amendment, was added to the Union List.]

ENTRY 3

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The Honorable Dr. B. R. Ambedkar: Sir, I beg to move :

" That for entry 3 of List I, the following entry be substituted :—

' 3. Preventive detention in the territory of India for reasons connected with defence, foreign affairs, or the security of India; persons subjected to such detention.' "

Comparing this entry with the original entry in the Draft Constitution, it will be noticed that there are only two changes : for the words ' external affairs ' we have now used the words ' foreign affairs '. " Persons subjected to such detention " is an addition; this did not exist in entry 3 as it stands. But, this again has already been passed by the House in the amendment to the Government of India Act. Therefore, substantially, there is no change in the amendment that I am proposing.

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The Honorable Dr. B. R. Ambedkar: In answer to the question put to me by my Friend Mr. Kamath I should like to tell him that there can be no provision for the extermment of a citizen. There can be detention and not extemment. The extemment law can be applied only to aliens, and there is an entry in our list dealing with aliens etc. According to that, the State will be able

to deal with an alien, if it wants to extern him.

Shri H. V. Kamath : Where is the entry in the list ?

The Honorable Dr. B. R. Ambedkar: Entry No. 19. Now, with regard to the question put to me by my Friend Dr. Deshmukh, he wants that the words " for reasons connected with the State " should be substituted. In my judgment, that would be a limiting entry; and ours is a much better one as it specifies the subject-matter in connection with which the preventive detention may be ordered.

And then Mr. Brajeshwar Prasad wants public safety to be introduced.

Shri Brajeshwar Prasad : I did not want it. I only wanted to know whether the phrase " reasons connected with defence etc." included " public safety or interest."

The Honorable Dr. B. R. Ambedkar: Yes, " security of India " is a very wide term.

Shri Brajeshwar Prasad : I am not referring to " security of India " but to " public safety or interest ".

The Honorable Dr. B. R. Ambedkar: Now, with regard to Mr. Naziruddin Ahmad's question, he wants the words " persons subjected to such detention " to be deleted.

Mr. President: No, he has not moved that amendment. He only wants to substitute the word " external " for the word " foreign ".

The Honorable Dr. B. R. Ambedkar: We are hitherto using the word " foreign " throughout, and I think it is better we keep to the same word.

Shri H. V. Kamath : Is the security of India the same as the security of any part of it ? And is the present entry in consonance with article 275?

The Honorable Dr. B. R. Ambedkar: Yes, undoubtedly.

Mr. President: I shall put amendment No. 149 of Mr. Naziruddin Ahmad to vote.

[The amendment was negatived.]

Mr. President: Then I put Dr. Deshmukh's amendment. *[The amendment was also rejected.]*

Mr. President: Then I put the entry as it was moved by Dr. Ambedkar.

[The amendment was adopted.]

UNION LIST ENTRY 4

Mr. President: Then we come to entry 4.

The Honorable Dr. B. R. Ambedkar: I move :

" That for entry 4 of List I, the following entry be substituted :—

' 4. Naval, military and air forces; any other armed forces of the Union. ' "

Honorable Members will see that this entry was a very large entry, and it consisted of two parts. Part one of the entry related to the raising of the forces by the Union. Part two related to the forces of the States mentioned in Part III. In view of the fact that it has been decided to put the States in Part III on the same footing as the States in Part I, it is desirable to delete the second part of this entry. And so far as any States have today any forces, it would be provided for by a provision in the part dealing with the transitory provisions of this Constitution.

With regard to the first part of the entry, it is felt that it is a mouthful, and that many of the words are not necessary, and that the short phraseology now proposed—naval, military and air-forces—would be quite sufficient to give the Union all the powers that are necessary for the purposes of maintaining an army, navy and air-force.

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The Honorable Dr. B. R. Ambedkar: It is necessary to retain the words " any other armed forces of the Union " because, besides the regular army, there are certain other forces which come under the armed forces and which are maintained by the Center. For instance, there are what are called the " Assam Rifles " to guard the border. There are certain armed police forces maintained by the Center with regard to the certain Indian States. In order, therefore, to give them a legal basis, it is desirable to include them in this entry 4. I might also mention that they were also recognised in entry I of the Government of India Act, 1935 as distinct from the navel, military and air forces.

Mr. President: I shall put Sardar Hukam Singh's amendment to the House.

[The amendment was negatived.]

Mr. President: Then I put the entry moved by Dr. Ambedkar.

(The amendment was adopted. Entry 4, as amended, was added to the Union List.)

ENTRY 5

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The Honorable Dr. B. R. Ambedkar: Sir, entry No. 5 should be read along with entry No. 64. Entry 64 deals with the control of industries which Parliament has declared to be necessary in the interests of the public. This, that is entry 5, relates to the taking over of industries for the purpose of

defence or for the prosecution of the war. That being the important difference, I think it would hamper war effort considerably if entry 5 was made analogous to entry 64. Declaration by Parliament will be necessary in both cases. But the scope of entry 5 is much wider than that of entry 64. Having regard to the different ends and aims in view, it is sought to differentiate entry 5 from entry 64.

[Entry 5 was added to the Union List.]

ENTRY 6

(Entry 6 was added to the Union List.)

ENTRY 7

The Honorable Dr. B. R. Ambedkar: Sir, I move :

" That for entry 7 of List I, the following entry be substituted :—

' 7. Delimitation of cantonment areas, local self-government in such areas, the constitution and powers within such areas of cantonment authorities and the regulation of House accommodation (including the control of rents) in such areas.' "

There is an amendment to this standing in the name of my Honorable Friend Mr. T. T. Krishnamachari the effect of which is merely to omit the word " self " in the expression " local self-Government " so that it will read "local government ".

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Shri Mahavir Tyagi : Sir, may I suggest that the entry be held over ?

The Honorable Dr. B. R. Ambedkar: Why ? I do not understand. If you have any comments to make we are quite prepared to hear and give you a reply.

Shri Mahavir Tyagi : I feel that either we must be given a full chance of tabling our amendments and putting our case before the House, or such articles as are controversial may please be ordered to be held over.

The Honorable Dr. B. R. Ambedkar: This amendment standing in the name of Mr. Sidhva has been there from 26th January! My friend has now become awake to the situation. There was plenty of time for him to give an amendment and I am even now prepared to say that he can make out his case for such changes as he wants and I am prepared to satisfy him.

Shri Mahavir Tyagi : Sir, we have accepted Dr. Ambedkar's speed—he is going very fast—we have taken no objection to that. But on items like these he might agree.....

The Honorable Dr. B. R. Ambedkar: Why don't you say what you want to say ?

Shri Mahavir Tyagi : My submission is that such items on which there are controversies or on which Honorable Members say or feel that they want to table an important amendment, such items may please be held over. It will smooth the way. It will accelerate the work.

Mr. President: Then the House will adjourn till 9 o'clock tomorrow. We shall take all the amendments tomorrow as they come, but I shall not give any further time.

The Honorable Dr. B. R. Ambedkar: I am entirely in your hands. Sir, so far as this amendment is concerned. If I can know what objections my Friend Mr. Tyagi has, I am prepared to deal with his case now in the House.

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The Honorable Dr. B. R. Ambedkar (Bombay : General) : Sir, the amendments moved by my Friend Mr. Tyagi are the only amendments which call for reply. His amendments are in alternative form. In the first place, he wants to delete the whole part dealing with regulation of house accommodation including the control of rent. In his alternative amendment he is prepared to retain the control and regulation of house accommodation, but wishes to delete the words ' rent control '. It seems to me, the matter is really one of commonsense. If my Friend has no objection to the retention of the words " regulation of house accommodation ", as is clear from his alternative amendment, then it seems to me that the control of rent is merely incidental to the power of regulation of house accommodation. It will be quite impossible to carry out the purpose, namely, of regulating house accommodation, if the authority which has got this power has not also the power to control rents. Therefore my submission is that the control of rents is incidental to the regulation of house accommodation. If Mr. Tyagi has no fundamental objection to the retention of the power to deal with house accommodation, I think he must not have any objection to the transfer of control also.

Mr. President: I will now put the amendments to vote. The first is that of Dr. Deshmukh.

Dr. P. S. Deshmukh : I will be content if the Drafting Committee will be pleased to consider it at the time of the final draft.

Mr. President: It is only a matter of drafting so far as I can see. So we might leave it to the Drafting Committee.

(The amendment was negatived.)

{Amendment of Dr. Ambedkar was alone adopted. Entry 7 as amended was added to the Union List.}

ENTRY 12

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The Honorable Dr. B. R. Ambedkar: Sir, there are various considerations which arise with regard to this amendment. As my Honorable Friend, Mr. Kamath will see this is not the only entry which relates to foreign nations. There is, in the first place, an entry called Foreign Affairs which is broad enough to be operated upon by this country if it wishes to establish itself as a member of any international organization. There is also the entry following, which we are dealing with now, which permits legislation relating to participation in any international conference or any international body. In view of that, I should have thought that the kind of amendment which has been moved by my Honorable Friend, Mr. Kamath is really unnecessary. Secondly, it must be remembered that this is merely a legislative entry. It enables the State to make legislation with regard to any of the entries which are included in List 1. If there was an article in the body of the Draft Constitution which limited the legislative power of the State given by any one of these entries, the question such as the one raised by my Honorable Friend, Mr. Kamath would be very relevant, but I do not find that there is any limiting article in the Constitution itself which confines the legislative power given under this entry to the membership of the United Nations Organization and there is no such entry at all in the article. Therefore the State can act under any of the other items and be a member of any other international organization. But if the House is particular about it, I think no harm can be done if Mr. Kamath's amendment is accepted and therefore, I leave the matter to the House to decide.

[Entry 12 was added to the list.]

NEW ENTRY 9-A

Mr. President: There is notice of one amendment by Prof. Shibban Lal Saksena for adding one more entry : " Cosmic energy, and scientific and industrial research and other resources needed for its production, development and use."...

Would you like to move it, Mr. Shibban Lal Saksena ?

The Honorable Dr. B. R. Ambedkar: I do not know what it means.

Mr. President: We have atomic energy; he wants to have cosmic energy also.

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Prof. Shibban Lal Saksena: . . .I hope Dr. Ambedkar will see that this lacuna is removed.

The Honorable Dr. B. R. Ambedkar: Sir, all I can say is that if the amendment moved by my Friend Prof. Shibban Lal Saksena is at all necessary, I think we have enough power under entry No. 91 of List I to deal with that : "any other matter not enumerated in List II or List III including any tax not mentioned in either of those Lists ". That matter could be covered by this.

Mr. H. V. Kamath : That would cover many of the entries in the List itself.

(The motion was negatived.)

Mr. President: Entry 14. Dr. Ambedkar, would you like to say anything in reply ?

The Honorable Dr. B. R. Ambedkar: No elucidation is necessary.

(Entry No. 14 was added to the Union List.)

ENTRY 22

The Honorable Dr. B. R. Ambedkar: Sir, I move :

" That for entry 22 of List I, the following entry be substituted :—

' 22. Piracies and crimes committed on the high seas or in the air; offences against the law of nations committed on land or the high seas or in the air. ' "

The second part of this entry—" offences against the law of nations committed on land or the high seas or in the air " is new. It was an omission made in the earlier part of the draft. With regard to the first part, we are substituting the word " crimes " for " felonies and offences ", as it is the common word used in India. " Felonies and offences " are English technical terms. We are also taking out of the first part, the words, " against the law of nations " because piracies and crimes are matters which can be regulated by any country by reason of its own legal jurisdiction and authority. It has nothing to do with the law of nations.

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The Honorable Dr. B. R. Ambedkar: Sir, listening to what my Honorable Friend Mr. Naziruddin Ahmad said, I am afraid I have again to say that he has not got a very clear notion of what this entry 22 proposes to do.

Mr. Naziruddin Ahmad : The difficulty was that Dr. Ambedkar was engaged in conversation and did not hear me.

The Honorable Dr. B. R. Ambedkar: I was no doubt engaged in conversation; but I was quite *avadhan* to what he was saying.

My Friend first posed the question as to why we should use the term " piracy and crime " in plural. Well, the other way in which we can use piracy and crime would be in collective terms. I think in matters of this sort, where criminal legislation is provided for, it is much better not to use the word in collective form. He cited some examples, but he forgets the fact that in some case's the generic use of the term is quite sufficient; in other cases it is not sufficient. The Drafting Committee, therefore, has deliberately used the word " piracies and crimes " in plural because it is appropriate in the context in which it is used.

My Friend Mr. Naziruddin Ahmad said as a second count against this entry that there ought to be a semi-colon after ' Piracies '. Now, that, I think, would distort the meaning and the purport of item 22. Supposing we had a semi-colon after ' piracies ', ' piracies ' in item 22 would be dissociated from the rest of the entry. Now, if piracies are dissociated from the rest of the entries, it would mean that the center would have the right to legislate on all piracies, including piracies in inland rivers also. It is not the intention of this entry to give to the Central Legislature the power to legislate on piracies of all sorts. The words " committed on high seas or in the air " are words which not only qualify the word " crime " but they are also intended to qualify the word " piracy ".

Then, the third count of my friend was that we should omit the words " on land, on high seas and in the air " after the words " offences against the law of nations ". That would not make it clear that the second entry is an all-pervasive entry and gives the power contrary to the first part of the entry to the Central Legislature to deal with offences against the law of nations, not merely on the high seas and in the air but also on land. In other words, the States will have no kind of power so far as the second part of the entry is concerned. I, therefore, submit that the entry as proposed carries the intention of the draftsman and no amendment is necessary.

Mr. Naziruddin Ahmad : The Honorable Member has not heard me. What about offences committed against the law of nations, which is neither on land, nor on high seas, nor in the air, but in the low seas?

The Honorable Dr. B. R. Ambedkar: It can only be in his imagination, it cannot be anywhere else.

Sardar Hukam Singh (East Punjab : Sikh) : If piracies are not dissociated from the remaining items, then would these words ' in the air ' also qualify the word ' piracy ' ?

The Honorable Dr. B. R. Ambedkar: There may be piracies in the air also.

Mr. Naziruddin Ahmad : Piracies are always on water, never on land or in the air.

Mr. President: I will now put the amendments to vote.

Mr. Naziruddin Ahmad : I would like only the last one to be put to vote.

[Except the amendment of Dr. Ambedkar, other amendments were negatived. Entry 22, as amended was added to the Union List.]

ENTRY 26

The Honorable Dr. B. R. Ambedkar: Sir, I move :

" That for entry 26 of List I the following be substituted :—

' 26. Import or export across customs frontiers; definition of customs frontiers. ' "

This is just a re-arrangement of the original entry.

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Mr. Naziruddin Ahmad : ...The word " and " in " import and export " in my amendment is most important. As I have said already this is more or less of a drafting nature and therefore I would leave it to the Drafting Committee to deal with it without having my motion put to the House.

The Honorable Dr. B. R. Ambedkar: Sir, I am content with clarity and I do not wish to run after elegance.

[The amendment was adopted. Entry 26, as amended, was added to the Union List.]

ENTRY 26-A

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Prof. Shibban Lal Saksena : Sir, there have been cases in the Supreme Court of America on this subject and I would like it to be clearly stated. I would therefore like to move my amendment. Sir, I move :

" That after entry 26 of List I, the following new entry be added :—

' 26-A. Ownership of and dominion over the lands, minerals, and other things of value underlying the ocean seaward of the ordinary low watermark on the coast exceeding three nautical miles.' "

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The Honorable Dr. B. R. Ambedkar: This matter is already covered, if I may say so, by article 271 A. My difficulty is : my friend Prof. Shibban Lal's amendment speaks of ownership. Now, in all these legislative lists, we only deal with power to make law, not power to appropriate. That is a matter which is regulated by another law, and not by legislative entries. I therefore cannot accept it.

Mr. President: He has referred to a judgment of the Supreme Court of the

United States, but I think that is based on the absence of something like article 271-A of our Constitution.

The Honorable Dr. B. R. Ambedkar: We discovered that there was no entry and this was therefore a matter of doubt and in order to clear that doubt we put in 271 A. It is practically a *verbatim* reproduction of Mr. Shibban Lal's amendment.

ENTRY 31

Mr. President: I find there are some amendments to entry 31.

The Honorable Dr. B. R. Ambedkar: Sir, I move :

" That for entry 31 of List I the following entry be substituted :

' 31. Highways declared to be national highways by or under law made by Parliament.' "

It is just transposition of words to make the matter clear.

[Entry 31, as amended, was added to the List.]

ENTRY 37

The Honorable Dr. B. R. Ambedkar: Sir, I move :

" That in amendment 12 of List I, in entry 37, for the words 'by air or by sea ' the words ' by railway, by sea or by air 'be substituted "

This is just caused by an omission.

Dr. P. S. Deshmukh : Sir, I beg to move :

" That in amendment No. 12 of List I (Sixth Week), in entry 37 of List I, for the words ' by railway, by sea or by air ' (proposed to be substituted), the words ' by land, sea or air ' be substituted "

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The Honorable Dr. B. R. Ambedkar: Sir, I am afraid I cannot accept the amendment moved by Dr. Deshmukh, because if we include it, it will become a central subject.

Dr. P. S. Deshmukh : If it is between two provinces ?

The Honorable Dr. B. R. Ambedkar: That will come under interstate traffic.

Dr. P. S. Deshmukh : I am prepared to withdraw my amendment.

(The amendment ws, by leave of the Assembly, withdrawn.)

(Shri H. V. Kamath did not press his amendment.)

ENTRY 38

The Honorable Dr. B. R. Ambedkar: Sir, I move :

" That For entry 38 of List I, the following entry be substituted :— ' 38. Railways. ' "

I think this change requires some explanation. If Honorable Members will turn to entry 38 as it stands in the Draft Constitution, they will notice in the first place the distinction made between Union railways and minor railways. The distinction was necessary because, in respect of the Union railways, the Center would have the authority to legislate with regard to safety, minimum and maximum rates and fares, etc. The responsibility of actual administration as carriers of goods and passengers, in respect of minor railways, was limited. In other words, so far as maximum and minimum rates and fares, station and service terminal charges etc. are concerned, they were taken out of the jurisdiction of the Central legislature. It is felt that it is desirable that, as the railway service is one uniform service throughout the territory of India, there should be a single legislative authority to deal with railways in all matters on a uniform basis. Consequently the entry in the First Part is now extended to all railways including minor railways. Again, as legislation is intended to be uniform, it is felt that it is unnecessary to retain the second part of the entry which makes a distinction between Union railways and minor railways.

I might also say that this entry is purely a legislative entry. It is not an entry which deals with ownership. That means that even if the Center had *power* to regulate minimum and maximum fares and rates and terminal charges, every State which owned a minor railway, whether it is a State in Part I or Part III, if it was the owner of the particular railway, would be entitled to receive and keep the proceeds of the rates and fares as may be fixed by the Center. It does not affect the rights of ownership at all. They remain as they are. If the Center wishes to acquire any minor railway now owned by any State either in Part I or Part III the Union will have to acquire it in the ordinary way. Therefore this is purely a legislative entry. The object of the amendment is to have a uniform law with respect to all matters dealing with railways and it does not affect any question of ownership at all.

The question of tramways is however separated from the question of railways. We propose in the Interpretation Clause to define railways in such a manner as to exclude tramways so that the States in Parts I and III will retain the power to regulate tramways in all respects as though they are not covered by 'railways'.

Shri R. K. Sidhva : There is a Minor Railways act which is worked by the Provincial Governments. May I know whether it is intended to repeal that Act and bring it into the Union ?

The Honorable Dr. B. R. Ambedkar: Yes, the Union will have power to abrogate that Act, make any other law or retain it if it so feels. It is only an enabling entry which will enable the center either to make different laws

regulating the major and minor railways or make one single law regulating all railways irrespective of whether they are major railways or minor railways.

Shri R. K. Sidhva : Then the minor railways will be governed by the Minor Railways Act ?

The Honorable Dr. B. R. Ambedkar: Yes, the existing law will continue until Parliament changes it. This is merely to give power to the Parliament to change it.

Mr. President: I would now put entry 38 to the vote. I am told there is an amendment which I have received this morning after nine. I am afraid I cannot accept it.

[Entry 38, as amended by Dr. Ambedkar's amendment, was added to the Union List.]

ENTRY 39

The Honorable Dr. B. R. Ambedkar: Sir, I move :

" That for entry 39 of List I, the following entry be substituted :—

' 39. The institutions known on the date of commencement of this Constitution as the National Library, the Indian Museum, the Imperial War Museum, the Victoria Memorial, the Indian War Memorial, and any other institution financed by the Government of India wholly or in part and declared by Parliament by law to be an institution of national importance. ' "

The substance of the entry is the same as it exists at present, except for a few verbal changes which have taken place in the nomenclature of the institutions subsequent to the 15th August 1947.

Shri B. Das (Orissa : General) : When the Constitution comes into force, will the name " Imperial War Museum " be changed to " National War Museum " as " Imperial Library " has been changed to " National Library " ?

The Honorable Dr. B. R. Ambedkar: I understand that the " Imperial Library " has been changed to " National Library ", but the Imperial War Museum retains its existing name. These descriptions are intended merely to identify the institutions, whenever Parliament wishes to make any law about them.

Shri B. Das : I want to know whether when the Constitution comes into force and the Adaptations are made, the word " Imperial " will go. I expect words like " His Majesty's Government ", " The Crown " etc., will vanish.

Honorable Dr. B. R. Ambedkar: Adaptations will apply to laws and not to names.

Mr. President: This entry gives the right to the Central Legislature to change the names.

There is an amendment to this by Mr. Naziruddin Ahmad, No. 160.

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The Honorable Dr. B. R. Ambedkar: I do not, think that much explanation is necessary as to why I cannot accept the amendment of Mr. Naziruddin Ahmad. As you will see the entry really falls into two parts. In the first part it deals with specific institutions which are enumerated therein. In the second part it deals with institutions which are either financed by the Government of India, wholly or in part. Therefore, it is not possible to use the words " similar " because that would circumscribe the object of the entry, which is to give the Central Government power to take over any institution which is either financed by itself or financed partly by itself and partly by the Provinces.

[Out of 3 amendments by Mr. Naziruddin Ahmed, 2 were not passed by him and one was rejected with Dr. Ambedkar's amendment, Entry 39 was added to the Union List.]

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ENTRY 40

The Honorable Dr. B. R. Ambedkar: Sir, I move :

" That for entry 40 of List I, the following entry be substituted :—

' 40. The institutions known on the date of commencement of this Constitution as the benares Hindu University, the Aligarh Muslim University, and the Delhi University and any other institution declared by Parliament by law to be an institution of national importance.' "

I submit the word " university " is a mistake and it ought to be " institution " and I hope you will permit me to substitute it.

There is no fundamental change in this except that the latter part permits also Parliament to take over any institution which it thinks is of national importance.

Dr. P. S. Deshmukh : May I suggest that 40-A may also be taken together ? It is part and parcel of the same thing.

The Honorable Dr. B. R. Ambedkar: Sir, I move :—

" That after entry 40 of List I the following new entry *be* inserted :—

' 40A. Institutions for scientific or technical education financed by the government of India wholly or in part and declared by Parliament by law to be institutions of national importance.' "

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The Honorable Dr. B. R. Ambedkar: Sir, I find my Honorable Friends, Mr. Naziruddin Ahmad and Dr. Deshmukh, running at crosspurposes. One wants to enlarge the scope of the article by adding the word " academy ". The other wants to limit the scope of the article by dropping the word " Delhi University and any other institution declared by Parliament by law to be an institution of national interest ".

So far as Dr. Deshmukh's amendment is concerned, it seems to me quite unnecessary to introduce the word " academy " because the word ' institution ' is large enough to include both University and academy. Therefore, that is quite unnecessary.

With regard to the amendment of my Honorable friend Mr. Naziruddin Ahmad, Delhi University is as was pointed out by him already under the central Legislature by virtue of the fact that the Delhi University is in a commissioner's province, which is subject to the legislation of the center. Therefore, in introducing the words " Delhi University " we are really not departing from the existing state of affairs. With regard to the subsequent part of the entry relating to any other institution declared by law by Parliament, it seems to me, that it is desirable to retain those words, because there might be institutions which are of such importance from a cultural or from a national point of view and whose financial position may not be as sound as the position of any other institution and may require the help and assistance of the center. In view of that, I think the last part of the entry is necessary and I am not prepared to accept his amendment.

Now with regard to my Honorable friend. Mr. Kamath, he wanted to introduce the words " research institution ". He has forgotten, or probably is attention has not been drawn to my amendment dealing with entry No. 57-A which deals with research institutions. Of course, that entry is limited to coordination and maintenance of standards. Mr. Kamath has, perhaps, in mind agencies established by the provinces and which it may be desirable for the Center to take over. It seems to me that it is no use overloading the Center with every kind of institution. It would be enough if, as I said, the provisions contained in 57A were allowed to pass because that will give the Center enough power to maintain by law coordination and the maintenance of standards for higher education in scientific and technical institutions. I think that ought to suffice for the present.

Mr. President: I will now put the amendments.

(All 3 amendments were negatived.)

[Entry 40, as amended by Dr. Ambedkar's amendment, was added to the Union List.]

ENTRY 41

The Honorable Dr. B. R. Ambedkar: Sir, I move :

" That in entry 41 of List I for the words " and Zoological " the words " Zoological and Anthropological " be substituted."

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The Honorable Dr. B. R. Ambedkar: The word " anthropologi-cal " is very

wide and would cover even " ethnology ".

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The Honorable Dr. B. R. Ambedkar: Sir, I am afraid my Friend Mr. Sidhva has drawn too much upon the attitude of neglect and indifference shown by the Central Government in the past towards geological surveys in India. I quite admit that hitherto this matter has been neglected by the Center, but it *does* not follow from that that the provinces are going to take any more interest in geology than the Center has taken hitherto.

First of all, this is a matter of very great magnitude involving a great deal of expense and I do not think that the provinces will be able to find the resources to develop the minerals which are to be found within their area. From that point of view I think there will be no advantage in transferring geology to the Concurrent List so as to give the provinces an opportunity to legislate about it.

The second difficulty I find in accepting his amendment is that we have in the Union List an entry stating that the mineral resources of India may be developed by the Center. If Parliament were to make a law that the mineral development of the country shall be a central subject obviously there would be very great difficulty created in the way of Parliament executing that law or developing the mineral resources, if the provinces retained with themselves concurrent power of legislation. Therefore, my request to Mr. Sidhva is to allow the entry to remain as it is.

Mr. President: Then I put the amendments to vote. The first amendment moved by Mr. Kamath.....

Shri H. V. Kamath : As Dr. Ambedkar assures me that the word " anthropological " includes the word " ethnological ", I accept his superior wisdom and won't press the amendment.

(The amendment was, by leave of the Assembly, withdrawn.)

Mr. President: Then Mr. Sidhva's amendment.. Shri R. K. Sidhva : In view of the assurance given, I beg leave to withdraw the amendment.

(The amendment was by leave of the Assembly, withdrawn.)

(The amendment of Dr. Ambedkar was adopted.)

[Entry 41, as amended, was added to the Union List.]

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ENTRY 43

Mr. President: Now we take up entry 43. Dr. Ambedkar has to move an amendment.

The Honorable Dr. B. R. Ambedkar: Sir, I move :

" That for entry 43 of List I, the following entry be substituted :

' 43. Acquisition or requisitioning of property for the purposes of the Union.' "

Members will see that the original entry as it stood had other words along with it, namely, the principles of compensation etc. Those words, it is proposed to put in a separate entry in the Concurrent List. So it is unnecessary to retain those words here. That entry will be entry 35 in the Concurrent List.

Shri Syamanandan Sahaya (Bihar : General) : Sir, I want to make a suggestion.

Mr. President: Just wait a little. There is an amendment to be moved.

Shri Syamanandan Sahaya: I want to make it before the amendment is moved. This item on the list which is proposed by Dr. Ambedkar will have a deal to do with the language of article 24 and I suggest therefore that this item be held over till we have passed article 24....

The Honorable Dr. B. R. Ambedkar: I submit that is unnecessary because the power to lay down principles in any case will have to be given to the legislature. The question is whether the center should have a separate entry and the Province should have a separate entry for laying down principles of acquisition. What is proposed is this, that for both Center as well as the provinces, there should be a common entry in the Concurrent List. Therefore, whatever happens to article 24, this entry regarding principles will have to be put in somewhere. Unless my friend has any objection to putting the matter in the concurrent List, there is no object served by postponing the consideration of this entry.

Shri Syamanandan Sahaya : I was thinking of a case where even in the matter of acquisition by States the principle may have to be decided by the Central Parliament.

The Honorable Dr. B. R. Ambedkar: That is exactly the point. If my friend would understand it, if we put it in the Concurrent List, the Center also will have power.

Shri Syamanandan Sahaya : Precisely, but you say that the " Center also will have ". My submission is.....

The Honorable Dr. B. R. Ambedkar: What I am saying is this : that we are cutting out the words " principles " etc. and putting them in entry 35 of the Concurrent List. If my friend will refer to the two entries, 43 in the Union List and 9 in the State List he will find both of them are exactly in the same terms. In other words, both of them not only give the power to compulsorily acquire property but also give the power to lay down principles. Instead of distributing the entry regarding principles between the Center and the provinces independently of each other, it is now proposed to take out those words "

principles " etc., and put them in entry 35 of the Concurrent List.

Prof. Shibani Lal Saksena : Would there be any harm if the thing is postponed until the other article is passed ?

The Honorable Dr. B. R. Ambedkar: No good will be served by postponing. I am not in favour of having these things postponed. There is already so much time taken in the consideration of this matter.

Dr. P. S. Deshmukh : Sir, I move :

" That in amendment No. 21 of List I (Sixth Week), in the proposed entry 43 of List I, after the words " of property " the words ' according to law of the Union ' be inserted."

.. .I therefore, hope that the amendment proposed by me which specifies that any acquisition or requisitioning of property shall be by law passed by the Parliament and shall not be undertaken arbitrarily will be accepted.

The Honorable Dr. B. R. Ambedkar: It is quite unnecessary. These entries do deal with legislative power. What is the use of adding the words ' according to the law of the Union ' ? According to the entry as it is, the Union will have the power to make the law. It cannot mean anything else.

Dr. P. S. Deshmukh : I beg leave to withdraw my amendment.

[The amendment was, by leave of the Assembly, withdrawn. Entry 43, as amended, by Dr. Ambedkar's amendment was added to the Union List.]

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ENTRY 50

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Shri Jagat Narain Lal : .. .This will make the meaning quite clear. There will be no ambiguity. I suggest this to Shri T. T. Krishnamachari. The object they have in view can be achieved by adopting my suggestion.

The Honorable Dr. B. R. Ambedkar: I will consider the matter. For the present the entry proposed by Shri T. T. Krishnamachari may go in.

[The following amendment of Mr. Krishnamachari was adopted.]

Mr. President: The question is.

" That for entry 50 of List I, the following entries be substituted :—

' 50. The incorporation, regulation and winding up of trading corporations, including banking, insurance and financial corporations but not including cooperative societies.

50-A. The incorporation, regulation and winding up of corporations, whether trading or not with objects not confined to one State but not including universities '."

[Entries 50 and 50-A were added to the Union List.]

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ENTRY 52

The Honorable Dr. B. R. Ambedkar: I move : " That for entry 52 of List I, the following entry be substituted :—

' 52. Constitution and organisation of the Supreme Court and the High Courts: jurisdiction and powers of the Supreme Court and fees taken therein; persons entitled to practice before the Supreme Court or any High Court '."

The last words are additions. It is found necessary to have them because the time has come when it is necessary to regulate the right to practise of persons practising in both the High Court and the Supreme Court.

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The Honorable Dr. B. R. Ambedkar: I do not wish to interrupt the debate, but I would like to point out that we have already passed articles 192A, 193, 197.201 and 207 which deal with the constitution of the High Courts. Under these-articles, except for pecuniary jurisdiction, the whole of the High Courts are placed, so far as their Constitution, organisation and territorial jurisdiction are concerned in the center. It seems to me, therefore, that this amendment is out of order.

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Mr. Naziruddin Ahmad:.. .The original entry dealt with the Supreme Court only. in the new entry proposed by Dr. Ambedkar, it reads: " Constitution and organisation of the Supreme Court and the High Courts;" Then again, he has added " persons entitled to practise before the Supreme Court or any High Court ".

My first objection is as to the surreptitious manner in which important things are interpolated into the entries. I could have well understood...

(Interruption)

Shri Mahavir Tyagi : On a point of order. Sir, is the word " surreptitiously " parliamentary ?

The Honorable Dr. B. R. Ambedkar: Is it a proper argument, Sir, to say that the Drafting Committee has surreptitiously tried to introduce something ? My Honorable friend is entitled to ask me an explanation as to why I have altered the entry. There is nothing surreptitious. I am perfectly prepared to justify every item and every part of it.

Shri Mahavir Tyagi: I want your ruling. Sir, is the word" surreptitiously " parliamentary ?

Mr. President: I confess I am not acquainted with parliamentary practice to

such an extent as to say whether ' surreptitiously ' is or is not parliamentary. I would ask the Honorable Member not to use expressions which may be offensive.

Mr. Naziruddin Ahmad : I bow down to your ruling. Sir....

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Shri T. T. Krishnamachari : The attention of the Members of the House has already been drawn by Dr. Ambedkar to article 207. May I say, Sir, in view of that that the Honorable Member need not labour this point ?

The Honorable Dr. B. R. Ambedkar: I can reply. I want only ten minutes. I have understood what he wants to say.

Mr. Naziruddin Ahmad : There is a promise to reply but it would be an unusually fortunate thing for me actually to get a reply from Dr. Ambedkar... .This is too important amatter to be lightly dealt with. I submit that if we assume that the drafting Committee is entitled to do whatever it likes, then of course I am entirely out of court. I feel I am faced with certain defeat irrespective of reason.

The Honorable Dr. B. R. Ambedkar: Sir, I am constrained to begin by stating that I have on very many occasions noted that my friend Mr. Naziruddin Ahmad has got into the habit of speaking of the drafting Committee in most derisive terms. I have not descended to his level in order to reply to him, but I should like to give him a warning that if he persists in doing this kind of thing, I shall certainly not fail to pay him in the same coin.

Mr. Naziruddin Ahmad : Are members to be threatened in this manner ? Of course it produces no effect on me.

The Honorable Dr. B. R. Ambedkar: This is not a threat. This is a warning. Now coming to the points raised by my friend Dr. Panjabrao Deshmukh, I am very sorry that I cannot accept his suggestion. Because he wants to enlarge entry 52 in such a manner and to such a magnitude as to include every court in this country. It is an impossible proposition and I am afraid I cannot accept it.

I shall now deal with the arguments of my Friend Mr. Naziruddin Ahmad. First of all, he said that we were trying to smuggle in the High Court in this entry 52, because it did not find a place in the entry as it stood before. The House will remember that the Drafting Committee has been from time to time revising not only the entries but also the articles. I am not here to claim any omniscience on the part of the Drafting Committee. If the Drafting Committee has failed to grasp the whole thing at one grasp, I am not prepared to blame the Drafting Committee nor am I prepared to allow anybody to sit in judgment

over it and pass censure upon the Drafting Committee. It is a huge task and we are bound to go slowly on our way.

Shri H. V. Kamath : Cannot the House sit in judgment on the Drafting Committee ?

The Honorable Dr. B. R. Ambedkar: But the House should recognise what I am saying *viz.*, that it is not possible for the Drafting Committee to bring forth before the House a neat and complete formula which will not require reconsideration. Now Sir, my friend said that we have brought in the High Courts. Well, we have deliberately brought in the High Courts because we felt that it was necessary to bring in High Courts in view of certain articles that we have already passed. My Friend, Mr. Naziruddin Ahmad, evidently forgot articles 192A, 193, 197, 201 and 207 which deal with the High Courts and if he were patiently to apply his mind to these articles, he will find that the only matter that is left to the Provincial Legislatures is to fix jurisdiction of the High Courts in a pecuniary way or with regard to the subject matter. The rest of the High Court is placed within the jurisdiction of the Center. Obviously when considering entries in the Union List which are meant to give complete power to the Center, we were bound to make good this lacuna and to bring in the High Courts which, as I said, by virtue of these articles excepting for two cases have been completely placed within the purview of the Parliament. There is nothing surreptitious about it. This is merely correcting an error which originally crept in by reason of the fact that the article and entry were not properly composed. That is the reason why High Courts have been brought in.

Coming to the question as to why we have brought in the entry—Persons entitled to practice before the Supreme Court and the High Court—the position has been already explained by my friend Mr. Alladi Krisimaswami Ayyar : but I will put the same matter very shortly, and it is this that really speaking, there is nothing very extraordinary in bringing in these words—persons entitled to practice before Supreme Court or High Court—as Members will see article 121 which gives Parliament the power to make any law with regard to persons practising before the Supreme Court. Therefore, that power is already there and there is nothing new so far as the entry refers to persons entitled to practise before the Supreme Court.

Now with regard to the High Court, the position is this. The power which the Center have today is contained in entry 17 of the Concurrent List which deals with professions, and legal profession is one of the professions. It is, therefore, perfectly possible for Parliament to enact a law regulating the practice of persons appearing in the High Court by virtue of the power given to it by entry 17 which is in the Concurrent List, but the trouble with that is

this. Concurrent List means that both parties can legislate. The Center can legislate and the provinces can legislate and the legislation may be not quite in consonance with each other. Consequently it was felt that while leaving entry 17 as it is in the Concurrent List to cover all professions, to pick out a part of the legal profession and to put it here so as to make any legislation with regard to legal profession in so far as it relates to practice of persons before High Courts an exclusive subject for legislation by the Center, and the reason why we did it was because of the hard cases referred to by my friend Mr. Alladi Krishnaswami Ayyar and I may repeat one of them. Probably you have not heard what he said. Supposing, for instance, a lawyer or a barrister from Madras appears in a case in the Supreme Court and the Supreme Court instead of deciding the case remanded the case to Bombay High Court. What happens ? The Bombay Government or Bombay law if enacted under entry 17 may not permit a person from Madras to appear in the Bombay High Court, with the result that one Madras, Lawyer who appeared in the Supreme Court conducted the whole case but if the case is remitted back to the High Court of Bombay, that High Court may by law prevent him from appearing before it. I think it will be agreed that is a great hardship. In order therefore to have a uniform position with regard to persons practising in different High Courts what this entry proposes to do is to cut it from entry 17 dealing with professions and to put it here so that the practice of persons appearing in the High Court may be regulated by uniform law. There is nothing revolutionary and there is nothing surreptitious in entry 52 as is proposed by the Drafting Committee.

Mr. President: I will now put the amendments to vote.

(All amendments except that of Dr. Ambedkar as given before, were rejected.)

[Entry 52 as amended was added to the Union List.]

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ENTRY 53

The Honorable Dr. B. R. Ambedkar (Bombay : General) : Sir, I move:

" That in Entry 53 of List I, the words and the figure ' except the States for the time being specified in Part III of the First Schedule ' be omitted."

This is because we propose to make no distinction between a State in Part I and Part III.

Shri H. V. Kamath (C.P. & Berar : General) : There is a little amendment of mine. No. 198. Sir, I move :

" That with reference to amendment No. 25 of List I (Sixth Week), in entry 53 of List I, for

the words and exclusion of the jurisdiction of any such High Court from, the words ' and exclusion from the jurisdiction of any such High Court of ' be substituted."

This is only an interposition of words, I know, but it changes the meaning slightly and brings out what is intended in the entry. I believe that this entry has reference to exclusion from the jurisdiction of any High Court of certain areas....

The Honorable Dr. B. R. Ambedkar: Sir, Mr. Kamath's amendment is wholly unnecessary because the object of my amendment is to delete altogether that portion of entry No. 53 beginning from " except " to the end. If I was retaining any part of the entry then of course the question might arise whether the phraseology used in the entry is better than the one suggested by Mr. Kamath or *vice versa*.

Shri H. V. Kamath : My amendment has reference to the entry itself not to the amendment.

The Honorable Dr. B. R. Ambedkar: I think that cannot arise because I am omitting the whole thing. The second point is that the language used in entry 53 has to be in keeping with the language employed in article 207.

Shri H.V. Kamath : If this is accepted the language in the other article which has already been passed will have to be amended—at the third reading.

Mr. President: I find that Dr. Ambedkar's amendment refers only to a part of this entry.

The Honorable Dr. B. R. Ambedkar: I am taking out the last part " except the States for the time being specified in Part III of the First Schedule ". The entry as amended would stand:

" Extension of the jurisdiction or of a High Court having its principal seat in any State within the territory of India to. and exclusion of the jurisdiction of any such High Court from, any area outside that State."

The entry merely provides for the extension or the exclusion of the jurisdiction.

Shri H. V. Kamath : My amendment refers to the second part, " exclusion of the jurisdiction of any such High Court from any area outside that State ".

The Honorable Dr. B. R. Ambedkar: I am not accepting your quibbling.

Shri H. V. Kamath : It is no quibble. It is a question of correct English.

The Honorable Dr.B.R. Ambedkar: If it is a matter of mere English we can take it up at the next stage.

Mr. President: Then I shall put Mr. Kamath's amendment to vote.

(The amendment was negatived.)

Mr. President: I shall now put Dr. Ambedkar's amendment to vote.

(The amendment was adopted.)

ENTRY 56

The Honorable Dr. B. R. Ambedkar: I move :

" That for entry 56 of List I the following entry be substituted :—

' 56. Inquiries, surveys and statistics for the purpose of any of the matters in this List ' . "

There is hardly any difference. We have merely made it " for the purpose of any of the matters in this List " .

Mr. Naziruddin Ahmad (West Bengal : Muslim) : Though my amendment No. 167 will improve the text, I do not want to move it.

(Amendment No. 254 was not moved,)

Shri Phool Singh (United Provinces : General) : Mr. President, Sir, the amendment suggested by Dr. Ambedkar will limit the scope of this entry....With these few words I request Dr. Ambedkar to reconsider the situation.

The Honorable Dr. B. R. Ambedkar: Sir, I think the fear expressed by my friend is somewhat groundless and arises from the fact that he has not adverted to the fact that all other inquiries and so on relating to the States, and other matters, are now put in the Concurrent List. So there is no absence of any such purpose that he wants.

(Entry 56, as amended, was added to the Union List.)

ENTRY 57

The Honorable Dr. B. R. Ambedkar: Sir, I move :

" That for entry 57 of list I, the following be substituted :

' 57. Union agencies and Union institutes for the following purposes, that is to say, for research, for professional, vocational or technical training, for scientific or technical assistance in the investigation or detection of crime, for the training of police officers, or for the promotion of special studies.' " The entry is somewhat enlarged by the introduction of the words " vocational training " and " investigation or detection of crime, for the training of police officers " and so on.

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Mr. President: There is an amendment to this entry 57, standing in the name of Mr. Karimuddin (No. 3544). As it is not being moved. Dr. Ambedkar may reply.

The Honorable Dr. B. R. Ambedkar: Mr. President, I have compared the amendments moved by my Honorable Friend Mr. Kamath with the entry as proposed by me. I think except for one matter, it will be quite open to Central Government to carry out the purpose which my Honorable Friend Mr. Kamath

has in mind. The only thing which the Central Government will not be able to effectuate under entry 57 is spiritual research. I do not think that this House, knowing full well the various problems with which the Central Government has to carry on these days, would like to burden it with any such agency as spiritual research. The rest of the objects of the amendment will be covered by entry 57.

Shri H. V. Kamath : How do you say that the administrative service officers are covered by the entry as proposed ?

The Honorable Dr. B. R. Ambedkar: I think so, because the training is not only for police officers. The language used is " research, for professional, vocational or technical training ". Anything can be brought in under the above.

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Mr. President: I will now put the entry as moved by Dr. Ambedkar in the amended form. The question is :

" That for entry 57 of List I, the following entry be substituted :

' 57. Union agencies and Union institutes for the following purposes, that is to say, for research, for professional, vocational or technical training, for scientific or technical assistance in the investigation or detection of crime, for the training of police officers, or for the promotion of special studies '."

(The amendment was adopted.)

(Entry 57, as amended, was added to the Union List.)

ENTRY 57(A)—{contd.}

The Honorable Dr. B. R. Ambedkar: Sir, I move :

" That after entry 57 of List I, the following new entry be inserted :—

' 57A. Co-ordination and maintenance of standards in institutions for higher education scientific and technical institutions and institutions for research '."

This entry is merely complementary to the earlier entry, No. 57. In dealing with institutions maintained by the provinces, entry 57-A proposes to give power to the Center to the limited extent of co-ordinating the research institutions and of maintaining the standards in those institutions to prevent their being lowered.

Sir, I also move :

" That in amendment No. 28 of List I (Sixth Week), in the proposed new entry 57A of List I, for the word ' maintenance ' the word ' determination ' be substituted."

Shri Basanta Kumar Das (West Bengal : General): I have an amendment No. 29.

Mr. Vice-President: I thought they were new articles. Dr. Ambedkar, would

you prefer that to be moved before you speak ?

The Honorable Dr. B.R. Ambedkar: Yes.

Mr. Vice-President: Mr. Das, you may move No. 29.

The Honorable Dr. B. R. Ambedkar: Mr. President Sir, I think there is a certain amount of admixture made by my friends who have spoken on this entry 57A. So far as I have been able to gather, their contention is that this entry 57A should be allowed only if there was some grant made by the Central Government to the Provinces. It seems to me quite unnecessary to mix up the two matters. The question of grants from the center to the Provinces has been dealt with in, two separate articles 55 and 262. Article 255 provides for grants to be made by the center to the Provinces for assistance—

" Such sums. as Parliament may by law provide, shall be charged on the Consolidated Fund of India in each year as grants-in-aid of the Consolidated Fund of such States as Parliament may determine to be in need of assistance ... "

Therefore, the provision for supporting the States by way of financial help is already there in article 255. I should also like to draw the attention of the Members of the House to another important article, which is article 262, which is much wider in scope. It says—

" The Union or a State may make any grants for any public purpose, notwithstanding that the purpose is not one with respect to which Parliament or the Legislature of the State, as the case may be, may make laws."

As the House will see, it has a much wider scope. It says that although a subject may not be within List I, none-the-less, Parliament would be free to make a grant. Therefore, this question having been dealt with separately, I think there is no necessity to mix it up with entry 57A.

Entry 57A merely deals with the maintenance of certain standards in certain classes of institutions, namely, institutions imparting higher education, scientific and technical institutions, institutions for research, etc. You may ask, " Why this entry ?" I shall show why it is necessary. Take for instance the B. A. Degree examination which is conducted by the different Universities in India. Now, most Provinces and the Center, when advertising for candidates, merely say that the candidate should be a graduate of a university. Now, suppose the Madras University says that a candidate at the B. A. Examination, if he obtained 15 per cent of the total marks shall be deemed to have passed that examination; and suppose the Bihar University says that a candidate who has obtained 20 per cent of marks shall be deemed to have passed the B.A. Degree examination; and some other university fixes some other standard, then it would be quite a chaotic condition, and the expression that is usually used, that the candidate should be a graduate, I think, would be

meaningless. Similarly, there are certain research institutes, on the results of which so many activities of the Central and Provincial Governments depend. Obviously you cannot permit the results of these technical and scientific institutes to deteriorate from the normal standard and yet allow them to be recognised either for the central purposes, for all-India purposes or the purposes of the State.

Consequently, apart from the question of financial aid, it is absolutely essential, both in the interest of the center as well as in the interests of the Provinces that the standards ought to be maintained on an all-India basis. That is the purpose of this entry and in my judgment it is a very important and salutary provision, in view of the fact that there are many provinces who are in a hurry to establish research institutes or establish universities or lightly to lower their standards in order to give the impression to the world at large that they are producing much better results than they did before.

Dr. P. S. Deshmukh : is it the government's intention to fix the percentages and marks for passes ?

The Honorable Dr. B. R. Ambedkar ; They may do so. It is up to government to maintain the standard by any means which they think proper. I can not say what a government may do.

[Amendment moved by Shri B. K. Das were withdrawn. Dr. Ambedkar's motion was adopted, Entry 57-A was added to the union List.]

ENTRY 58

The Honorable Dr. B. R. Ambedkar: Sir, I move :

" That for entry 58 of List I, the following entry be substituted :—

' 58. Union Public Services, All-India Services : Union Public Service Commission. ' "

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The Honorable Dr. B. R. Ambedkar: With regard to the amendment of my Friend Dr. Punjabrao Deshmukh requiring the deletion of All-India services, it is not possible to accept that for the simple reason that heretofore the All-India services and the regulation thereof did not figure in the Government of India Act because that was a matter which was kept exclusively in the hands of the Secretary of State. The Secretary of State having disappeared, it is necessary to provide for the regulation of the all-India services, somewhere by some agency, in the Constitution and the most appropriate agency therefore is the Center. List I deals with matters which are within the purview of the Center. The natural place for All-India services is therefore in List 1. That is one argument.

The second argument is this that there are already two sorts of All-India services at present in existence. There are the remnants of the old I.C.S. still continuing to serve the Government of India. Secondly, there have been instituted during the course of the last two years what are called the All-India Administrative Service and the All-India Police Service. Whether the Center continue to recruit civil servants on the basis of the All-India administrative Service or the All-India Police Service is a matter which has to be determined in the course of a subsequent article with which we will be concerned. But there is no doubt about it that these services have been brought into existence with the consent of the Provinces. Secondly, they being there, it is necessary to make provision for their regulation. And I submit that the Union List is the proper list where this provision can be made.

With regard to my Friend Mr. Kamath's suggestion that the Joint Commission should be mentioned in this entry, my submission is that on a deeper consideration that would create complications. The Joint Commission, so far as its constitution, the appointment of its members and their removal are concerned—and only in these three respects—is an All-India subject, and provision for these three matters is already made in article 284. In all other respects it is really a State Public Service Commission: say, for instance, for the purpose of excluding certain services or consulting them in certain matters, it will still be a State Public Service Commission. And it is not desirable to oust the jurisdiction of the States in these matters as would be the consequence if the Joint Commission was also mentioned in entry 58. It is for that purpose that I object to Mr. Kamath's proposal.

Shri H.V. Kamath: May I know if this will go to the Concurrent List ?

The Honorable Dr. B. R. Ambedkar: No.

Shri H. V. Kamath : Where will it go ?

The Honorable Dr. B. R. Ambedkar: It can be the Center only in certain respects : for instance, if the States jointly say that a Joint Public Service Commission should be constituted, then as a result of the resolution the Center gets jurisdiction and not otherwise. In all fundamental matters, it is distributively, if I may say so, a State Public Service Commission.

Dr. P. S. Deshmukh : I beg leave to withdraw my amendment.

(The amendment was, by leave of the Assembly, withdrawn.)

Mr. President: I shall put Mr. Kamath's amendment to vote.

[It was withdrawn Dr. Ambedkar's amendment was carried. Entry 58, as amended, was added to the Union List.]

ENTRY 58-A

The Honorable Dr. B. R. Ambedkar: I move :

" That after entry 58 of List I, the following entry be inserted :

' 58-A. Union pensions, that is to say, pensions payable by the Government of India or cut of the Consolidated Fund of India'."

This entry did not exist in the draft. We felt it necessary to have such an entry as a measure of caution.

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The Honorable Dr. B. R. Ambedkar: I do not think that the amendment suggested by my Friend Dr. Deshmukh is any improvement or has any substantial difference from the amendment as I have moved. The difference that is sought to be made is this that there may be certain pensions which may be payable out of the Consolidated Fund of India, which means out of the proceeds of taxes. It may be perfectly possible for the Government of India to institute pensions which are of a contributory character in which case the burden may not be on the Consolidated Fund but on the person who has already contributed to a Fund. That is the distinction. And that is why the entry has been worded in the way I have worded it.

Dr. P. S. Deshmukh : I would like to withdraw my amendment.

(The amendment was, by leave of the Assembly, withdrawn.) [The motion of Dr. Ambedkar was adopted and Entry 58A was added to the Union List.]

ENTRY 60

The Honorable Dr. B. R. Ambedkar: Sir, I move :—

" That for entry 60 of List I, the following entry be substituted :—

' 60 Ancient and Historical Monuments and records declared by Parliament by law to be of national importance '."

The rest of the entry as it originally stood, namely, " archaeological sites and remains " is proposed to be transferred to the Concurrent List.

Shri H. V. Kamath: .I think Dr. Ambedkar has advanced no cogent reasons for changing the language of article 39 which is sought to be embodied now in this entry. I therefore move amendment No. 206 and commend it to the House for its acceptance.

Mr. President: Would you like to say anything on amendment No. 206?

The Honorable Dr. B. R. Ambedkar: No Sir, it is quite unnecessary to say anything on this subject.

Mr. President: Then I will put the amendment moved by Mr. Kamath to vote

[The amendment was negatived. The motion of Dr. Ambedkar was adopted and Entry 60, as amended, was added to the Union List.]

Prof. Shibban Lal Saksena: Sir, May I be permitted to move my amendments?

Mr. President: You were not here when I called them out. I am sorry it is too late now.

Prof. Shibban Lal Saksena: They are very important amendments, Sir, and I think they are independent also.

The Honorable Dr. B. R. Ambedkar: You have no equity in your favour.

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ENTRY 61

Mr. President: Let me finish the List and then we shall see. Now, entry No. 61. There is an amendment in the Printed List, of which notice is given by Dr. Ambedkar. No. 3548.

The Honorable Dr. B. R. Ambedkar: Sir, I am not moving that.

Mr. President: Then there are two amendments in the name of Mr. Santhanam.

The Honorable Shri K. Santhanam : I am not moving them.

Mr. President: Then I put Entry No. 61 to vote.

(Entry 61 was added to the Union List.)

ENTRY 61-A

The Honorable Dr. B. R. Ambedkar: I move :

" That after entry 61 of List I, the following entry be inserted :—

' 61-A. Establishment of standards of quality for goods to be exported across customs, frontier or transported from one State to another'."

We have already got entry 61 which deals with standard of weights and measures and it is felt that there ought to be a provision for establishment of standards of quality for goods.

* * * * *

The Honorable Dr. B. R. Ambedkar: Sir, the point raised by my Friend Dr. Deshmukh might well be raised when we discuss the entries in List II. They are matters within the jurisdiction of the States. We are dealing here only with List I. which is intended to circumscribe the power of the center so as not to interfere with the internal affairs of the States. Consequently the entry has been worded in a very cautious manner. As my Friend will see, the entry

speaks of standards of goods to be transported from one State to another. In regard to these it is not intended to give the center power to interfere with the administration of the States. If he wants to raise this question he may do so when we discuss the State List.

Dr. P. S. Deshmukh : May I suggest that this entry might be held over and the Agricultural Ministry consulted before we finalize this List?

The Honorable Dr. B. R. Ambedkar: When we come to List II, we can discuss the matter.

Mr. President: I will put the amendments to vote.

(The amendments of Dr. Deshmukh were negatived.)

Mr. President: I shall now put the new entry 61-A to vote. (The motion of Dr. Ambedkar was put to vote.)

Shri V. S. Sarwate : I would like to know from Dr. Ambedkar what the meaning of the term ' exported across customs frontier' is ?

Mr. President: I am afraid the questions comes too late, after the voting has taken place.

The Honorable Dr. B. R. Ambedkar: I will explain it to the Honorable Member if he will come to me afterwards.

Mr. President: The question has been put.

The motion was adopted. Entry 61-A was added to the Union List.

ENTRY 63

Mr. President: .. .We may now take up entry 63.

The Honorable Dr. B. R. Ambedkar: Mr. President, I am not moving amendment No. 3551 to the original entry. In regard to amendment 34 which I am moving I shall in doing so incorporate in it amendment No. 212 also.- Sir, I move :

" That for entry 63 of List I, the following entry be substituted :

' 63. Regulation and development of oilfields and mineral oil resources; petroleum and petroleum products; other liquids and substances declared by Parliament by law to be dangerously inflammable'."

* * * * *

The Honorable Dr. B. R. Ambedkar: I do not think that either of these two amendments is necessary. The purpose which my Friend's Professor Shihban Lal Saksena has in view, viz., that entry 63 should also permit the center to regulate prospecting for oil, etc., would be served by the words we have used " Regulation and development ". With regard to the addition of the word " corrosive ", I think it is not necessary to have any such power at all.

[With the lone amendment by Dr. Ambedkar, Entry 63 was added to the Union List.]

ENTRY 64

The Honorable Dr. B. R. Ambedkar: Sir, I move :

" That for entry 64 of List 1. the following entry be substituted :—

' 64. Industries, the control of which by the Union is declared by Parliament by law to be expendent in the Public interest'."

* * * * *

The Honorable Dr. B. R. Ambedkar: Sir, the entry as it stands is perfectly all right and carries out the intention that the drafting Committee has in mind. My submission is that once the Center obtained jurisdiction over any particular industry as provided for in this entry, that industry becomes subject to the jurisdiction of Parliament in all its aspects, not merely development but it may be in other aspects. Consequently, we have thought that the best thing is to put the industries first so as to give undoubted jurisdiction to Parliament to deal with it in any manner it likes, not necessarily development. Therefore, the entry is far wider than Mr. Kamath intends it to be.

[Two amendments were rejected Dr. Ambedkar's above motion was adopted. Entry 64, as amended was added to the Union List.]

[Contd.](#)

ENTRY 64-A

The Honorable Dr. B. R. Ambedkar: Sir, with regard to the amendment to have anew entry 64A. I may say that this matter was placed before the Premiers' Conference and the Premiers' Conference did not agree to the proposal.

With regard to the question of distribution of food, we have provided in article 206, that fora period of five years, the Center may have control over the distribution of food.

With regard to the second amendment, namely, the introduction of the new entry 64B...

Mr. President: That has not been moved.

The Honorable Dr. B. R. Ambedkar: Sir, I cannot accept the amendment moved.

Mr. President: I shall put the amendment to vote. The question is :

" That after entry 64 of List I, the following new entry be added :—

' 64-A. Co-ordination of the development of agriculture including animal husbandry, forestry and fisheries and the supply and distribution of food.' "

(The amendment was negated.)

* * * * *

The Honorable Dr. B. R. Ambedkar: With regard to the first part of the amendment, there is the proposal of the Drafting Committee to put this matter in the Concurrent List, and if my Friend Prof. Saksena were to examine the Concurrent List, he will find that there is an entry corresponding to entry 64B, (a) in entry 35A of the concurrent List.

With regard to (b) it is a matter of controversy and the Drafting Committee has not yet come to any conclusion on the question. The Drafting Committee feels that (a) is a perfectly logical consequence of the power which we have already given to Parliament to declare certain industries of national importance. If Parliament has the power to declare certain industries to be of national importance, then Parliament should also have the power to regulate the goods and the products of such industries. But (h) is about goods of industries other than those declared by Parliament to be of national importance. As I said, that is a matter of some controversy and the Drafting Committee has not come to any conclusion. I suggest Prof. Saksena may allow the matter to stand over till we reach entry 35 in the Concurrent List.

Prof. Shibban Lal Saksena : I have no objection to waiting.

Mr. President: Then it is held over.

ENTRY 65

The Honorable Dr. B. R. Ambedkar: With regard to Mr. Kamath's amendment, it seems to me to be quite unnecessary because the word " oilfields " is used in general terms. Wherever it occurs, the Center shall have jurisdiction. If an oilfield can occur below water. ..

Mr. President: He says "and submarine regions ".

Shri H. V. Kamath : I say " mines, oilfields and submarine regions."

The Honorable Dr. B. R. Ambedkar: What my friend has in mind is diving operations.

Shri H. V. Kamath: No, the Pearl industry.

The Honorable Dr. B.R. Ambedkar: All I can say is that I shall consider that matter.

Mr. President: Then I will first put the amendment moved by Prof. Saksena. The question is:

" That in entry 65 of List I, after the word ' Regulation ' the words and welfare ' be inserted."

The amendment was negated.

Shri H. V. Kamath : In view of Dr. Ambedkar's assurance, I do not press my amendment now. It may be considered by the Drafting Committee.

[The motion was adopted. Entry 65 was added to the Union List.]

ENTRY 66

The Honorable Dr. B. R. Ambedkar: Sir, I move :

" That in entry 66 of List I, the words ' and oilfields ' be deleted." It has already been transferred to entry 63.

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Shri Jagat Narain Lal (Bihar : General) : Mr. President,... I simply wanted to oppose the amendment—I am sorry—moved by Mr. Brajeshwar Prasad.... I support the amendment moved by Dr. Ambedkar and oppose the amendments moved to them.

Shri Brajeshwar Prasad : Dr. Ambedkar's amendment deletes the word " oilfields ".

Shri Jagat Narain Lal : The words " the oilfrlds " have to be deleted as those words have conme earlier. Mr. President: Would you like to say anything '?

The Honorable Dr. B. R. Ambedkar: No. Sir, I would not like to accept any amendment.

Mr. President: We will take the amendment by Mr. Brajeshwar Prasad.

Shri Brajeshwar Prasad : Sir, I beg to withdraw it.

(The amendment was, by leave of the Assembly, withdrawn.)

[Mr. Kainnih's amendment was withdrawn. Dr. Ambedkar's amendment was accepted. Entry 66, as amended was added to the Union List.]

ENTRY 67

The Honorable Dr. B. R. Ambedkar: Sir, I move :

" That for entry 67 of List 1. the following entry be substituted :—

' 67. Extension of the powers and jurisdiction of members of a police force belonging to any State to any area not within such Slate, but not so as to enable the police of one State to exercise powers and jurisdiction in any area not within that Slate without the consent of the Government of the State in which such area is situated; extension of the powers and jurisdiction of members of a police force belonging to any State to railway areas outside that State.' "

Mr. President: There is an amendment by Sardar Hukam Singh for deletion. That need not be moved. Dr. Deshmukh has an amendment to this entry which I understand he is not moving. so I will put the motion to vole.

(The amendment was adopted.)

[Entry 67, as amended, was added to the Union List.]

ENTRY 68

The Honorable Dr. B. R. Ambedkar: I move :

" That for entry 68 of List I, the following entry be substituted :—

' Elections to Parliament and to Legislatures of States and of the President and Vice President; and Election Commission to superintendent, direct and control such elections.' "

* * * * *

Mr. President: There is an amendment to this standing in the name of Mr. Santhanam. I think it does not arise in view of the decision we have taken with regard to some other articles.

The Honorable Dr. B. R. Ambedkar: It is unnecessary to accept this amendment, because the Election Commission will include Regional Commissioners also.

[The amendment was negated. Entry 68, as amended by Dr. Ambedkar's motion was adopted and added to the Union List.]

ENTRY 69

The Honorable Dr. B. R. Ambedkar: Sir, I move :

" That for entry 69 of List I, the following entries be substituted :—

' 69. The emoluments and allowances and rights in respect of leave of absence of the President and governors', the salaries and allowances of the Ministers of the Union and of the Chairman and Deputy Chairman of the Council of States and of the Speaker and Deputy Speaker of the House of the People; the salaries and allowances of the members of Parliament; the salaries, allowances and the conditions of service of the Comptroller and Auditor General of India.

69A. The privileges, immunities and powers of each House of Parliament and of the members and the committees of each House.' "

Mr. President: There is an amendment to this, No. 219 standing in the name of Mr. Kamath.

Shri H. V. Kamath : I do not want to move my amendment, but I would ask how Dr. Ambedkar has forgotten or lost sight of the Supreme Court Judges.

The Honorable Dr. B. R. Ambedkar: Their salaries etc., are provided for in the Schedule. We have said that their salaries shall be such as are specified in the Schedule.

Mr. President: Then amendment No. 220 by Dr. Deshmukh. Does it not go more appropriately to the State List ?

Dr. P. S. Deshmukh : No. Sir. I move :

" That in amendment No. 39 of List I (Sixth Week), after the proposed entry 69 of List I, the following new entry be added :—

69A. Privileges, immunities and powers of the members of the State Legislatures and their Committees.' "

. ..I think it is very necessary that the privileges should be uniform and that they should not differ from State to State.

Shri Brajeshwar Prasad : Hear, Hear.

The Honorable Dr. B. R. Ambedkar: It is only proper that each Legislature should have the authority to define its own privileges, immunities and powers, and it is for that reason that we have provided that Parliament should have power to specify the privileges, immunities and powers of its own members, and the State Legislatures should have similar power with regard to their own members. I do not think that the whole power should be concentrated in the Center. I should have thought that if Parliament passes an Act defining the privileges, immunities and powers of its members, the State Legislatures will probably follow suit and copy the thing *verbatim* with such minor amendments as they think desirable.

[Dr. Ambedkar's motion was adopted. Amendment by Dr. Deshmukh was rejected. Entry 69 and 69-A, as amended were added to the Union List.]

ENTRY 70

The Honorable Dr. B. R. Ambedkar: Sir, I move :

" That at the end of entry 70 of List I, the words ' or Commissions appointed by Parliament ' be added."

As it stand's, the entry refers only to Committees.

Mr. President: I do not think that there is any other amendment to

[The motion was adopted. Entry 70, as amended, was added to the Union List.]

ENTRY 70A

The Honorable Dr. B. R. Ambedkar: Sir, I move :

" That after entry 70 of List 1. the following entry be inserted :— '

70A. The sanctioning of cinematograph films for exhibition.' "

This entry was originally placed in the concurrent List. It is now proposed to put it in List 1.

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The Honorable Dr. B. R. Ambedkar: Mr. President, Sir, the object bringing this entry which was originally in the Concurrent List to the Union List is two-fold firstly to prescribe as far as possible a uniform standard for sanction of films; and secondly, to prevent an injury being done to any producer of a film

whose film may not be sanctioned by any particular province by reason of some idiosyncrasy or by reason of some standards which are of an extraordinary character and do not conform to general standards which ought to be prevalent in a matter of sanctioning of Cinematograph. Therefore, I think it is very necessary that this matter of sanctioning instead of being distributed between the Center and provinces so that each province may go on prescribing its own standard and the Center be required to persuade each province to examine its standard and point out whether the standards are good or bad, it is much better to bring it over to the Union List. So far as the rest of that matter is concerned it is proposed to leave the entry 43 in List II as it is so that the provinces will retain all the control they have over theatres, dramatic performances and cinemas *minus* the question of sanctioning. I do not think that any injury will be caused to any particular interest by the proposal I have made. On the other hand, as I have stated there would be distinct advantages in concentrating the power of sanctioning in a single body like the Center.

Shri Raj Bahadur : Only sanctioning ?

The Honorable Dr. B. R. Ambedkar: Once the Center has sanctioned that the film is a good film and conforms to moral standards, I do not see any reason why there should be any further provision for the exhibition at all. The matter ends.

Mr. President: I put the amendment No.222 to vote.

Dr. P. S. Deshmukh : I would like to withdraw it.

(The amendment was, by leave of the Assembly, withdrawn.)

Shri Raj Bahadur : I would like to withdraw my amendment No. 266.

[The amendment was, by leave of the assembly, withdrawn. Entry 70A was added to the Union List.]

ENTRY 73

Mr. President: Then comes entry 73. Dr. Ambedkar.

The Honorable Dr. B. R. Ambedkar: Sir I move :

" That for entry 73 of List I, the following entry be substituted :— "

73. Inter-State trade and commerce. ' "

The words that follow these words in entry 73 are unnecessary, because there is a proposal to drop entry 33 of List II.

Mr. President: There is an amendment to this, amendment No. 226 of Mr. Naziruddin Ahmad.

Mr. Naziruddin Ahmad : I am not moving it.

Mr. President: Then there is no amendment to this entry. I put the entry, as moved by Dr. Ambedkar, to the House.

[The amendtent was adopted. Entry 73, as amended, was added to the Union List. Entries which are not mentioned here have no coments by Dr. Ambedkar in the dehates. Most of these were adopted without any discussion.]

ENTRY 73-A

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Mr. Naziruddin ahmad : ...So if inter-planetary travel is to be included in the list as it must, this amendment will also have to be accepted. A journey from the Earth to the Moon and back is likely to be the earliest achievement. But Mr. Kamath's amendment will not make it possible. My amendment should be accepted to make the original amendment complete. I hope, Sir, if the amendment is to be rejected, it is rejected in a more satisfactory way by vote.

Mr. President: I- do not suppose any further speech is necessary !

The Honorable Dr. B. R. Ambedkar: I do not quite understand whether the proposals of my Friend relate to matters which are unknowable or which relate to matters which are unknown. If they are unknown, then we have wasted our time. But if they are unknown and not unknowable, then we have enough powers to deal with them. Why bother with any entry at all ?

Mr. President: I will put Mr. Naziruddin Ahmad's amendment to the vote.

(The amendment was negatived.)

LIST I ENTRY 74

The Honorable Dr. B. R. Ambedkar: (Bombay : General) : Sir, I move:

" That for entry 74 of List I, the following entry be substituted :—

' 74. The regulation and development of inter-State rivers and river-valleys to the extent to which such regulation or development under the control of the Union is declared by Parliament by law to be expedient in the public interest.' "

Shri Brajeshwar Prasad : (Bihar : General) : Mr. President, may I with your permission, say one word before I move my amendment'? Somehow, due to my fault perhaps, one word is missing from this amendment. I want the inclusion of the word " regulation ". Sir, I beg to move:

That in amendment 3562 of the List of Amendments, for the proposed entry 74 of List I, the following be substituted :—

"74. The regulation and development of inter-State rivers and inter-State waterways, including flood control, irrigation, navigation and hydro-electric power and for other purposes, where such development under the control of the Union is declared by Parliament by law to be necessary or expedient in the public interest."

Sir, I have only the comment to offer, that this amendment of mine is more comprehensive than the amendment moved by Dr. Ambedkar.

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The Honorable Dr. B. R. Ambedkar: Sir, all that I would like to say is that whatever Shri Brajeshwar Prasad wants is included in my amendment and it is therefore unnecessary to accept it.

[Shri Brajeshwar Prasad withdrawn the amendment. The amendment of Dr. Ambedkar was adopted. Article 74, as amended was added to the Constitution.]

ENTRY 75

[Amendment to Entry 75 moved by Naziruddin Ahmed was not accepted by Dr. Ambedkar. It was therefore negatived by the House. Entry 75, as amended, was added to the List.]

ENTRY 76

Honorable Dr. B. R. Ambedkar: Sir, I move.

" That for entry 76 of List I, the following entry be substituted :—

' 76. Manufacture, supply and distribution of salt by Union agencies; regulation and control of manufacture supply and distribution of salt by other agencies '."

[Entry 76 as amended was added to the Union List.]

Shri Mahavir Tyagi : (United Province : General) : Sir, when you put the question to vote. Dr. Ambedkar says " Ayes " beyond the mike; with the result that the Ayes have an undue volume of their voice.

ENTRY 79

The Honorable Dr. B. R. Ambedkar ; Sir, with regard to entry 79, I have to make one observation. Some Members of the House are under the impression that if entry 79 remained in List I it would be opened also to the Center to appropriate the proceeds of any taxes that may be levied on the Stock Exchanges and futures market and taxes other than stamp duties on transactions therein. I would like to make it clear that in putting Stock Exchanges and futures market in List I, there is no intention on the part of the Drafting Committee that the Center should have any right to appropriate the

proceed of any taxes that might be levied under this entry. Consequently, the Drafting Committee proposes, in order to remove all sorts of doubts, to amend article 250 which requires the proceeds of certain taxes to be distributed among the provinces. What we propose to do is, as a consequential provision, to add to article 250 which contains clauses (a) to (d) enumerating the taxes to be distributed, 'proceeds of any taxes on Stock Exchanges and futures market', so that they too will be subject to distribution among the provinces. That would, I am sure, remove all doubts that certain Members have that this entry if it remains in List I would give power to the Center to appropriate the taxes. That is not the intention. The entry there is purely legislative. It would have no financial implications at all.

Pandit Hriday Nath Kunzru : (United Provinces : General) : May I ask Dr. Ambedkar whether he intends also to bring in a modification of article 277 in this connection?

The Honorable Dr. B. R. Ambedkar: Well, I shall consider any consequential provision necessary to bring in to make the matter consistent.

[Entry 79 was added to the Union List.]

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